

# Tape Transcripts as Edited and

WASHINGTON, May 2 — Following are more of the transcripts of tape recordings of conversations concerning Watergate as edited and made public by the White House.

CORRECTION, P. 28

April 15, 1973  
(10:35-11:15 P.M.)

## The President and Erlichman Oval Office

(Phone ring)

P. Who all have you seen this morning? E. Well, I have Strachan up there right now. P. Yeah. I had a call from Kleindienst. E. Yeah. I heard you did and I thought you ought to take it. He—

P. O Sure, sure, I did. I didn't refuse. He said "I should see you, and I'd like to see you alone this afternoon. Today." I said fine. He's coming to the church service. E. Yeah.

P. I'm going to see him in the E.O.B. He said he had been up most of the night with Titus. Who is Titus? E. U. S. Attorney in the District. P. And what's the other fellow's name? E. Silbert. P. No not Silbert. E. Glanzer? P. Petersen.

P. See if he wants [unintelligible] together. So I would see what he has to say. E. OK. P. I assume it's the special prosecutor thing, among other things, but what else I don't know.

E. I don't know either. He obviously got Titus in to find out what the progress is in the grand jury; so he's now—he's now better posted than he has been I'm sure, and he's probably a little bitter with Titus for not keeping him better posted if in fact he wasn't.

P. With regard to [unintelligible] this special prosecutor thing, what line do you want to take? E. Well—let's think about it. He wants a special prosecutor so that he . . . P. He can stay on as Attorney General.

E. He can stay on and so that he doesn't have any—so that he personally doesn't taint the process by reason of his closeness to Mitchell. And that makes sense. Sneed does not have that problem, and Sneed is controllable within limits, and I think he is credible. I may be wrong about his credibility.

P. I agree with this, I think he's credible. The reason I think he's credible is something else—is that the grand jury I assume [unintelligible] come through with some indictments. I mean, suppose they just indict Magruder and Mitchell [unintelligible]. E. Yeah. P. Well, that's the fish. E. Yeah. P. The big fish. E. Yeah.

P. Damn it, what more do they want? Now what's the problem with the special prosecutor? As I see it, it just puts another [unintelligible] loose [unintelligible] around there. E. Well the special prosecutor . . . P. Reflects on E. will second-guess Silbert. I assume will feel that his mandate is to . . . P. Tear hell out of the place? E. Yeah—yeah. P. That's right. E. And—that's just an additional risk which you wouldn't have with the Dean who's been a part of the process. I just—I don't think.

P. [Unintelligible] with him [unintelligible] myself [unintelligible]. If not then, let's face it, he hasn't been very helpful throughout this thing. E. That's right. [Unintelligible] he stood as far away from it as he could get.

## What Initials Mean

Following are the identities of persons described by initials in the transcripts of the White House tapes:

P. President Nixon.

E. John D. Ehrlichman, former assistant to the President for domestic affairs.

K. Richard G. Kleindienst, former Attorney General.

H. H. R. Haldeman, former White House chief of staff.

L.H. Lawrence M. Higby, deputy assistant to the President.

H.P. Henry E. Petersen, Assistant Attorney General.

Z. Ronald L. Ziegler, press secretary to the President.

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A list of some persons mentioned in the transcripts of the White House tapes will be found on Page 18.

P. And Mitchell let it get away from him. A little [unintelligible]. Is that what he said to you? E. Yeah. He expressed real bitterness. P. You didn't get Colson yet? E. Not yet. No. He's at church apparently. Ziegler will be here at church. He's coming over. So I'll see him while you're seeing Kleindienst. P. I suppose Colson is [unintelligible] Hunt, and Bittman which, of course, could tie Colson in, right? E. Yeah.

P. Up to his navel. There's not a damn thing you can do about that is there John? E. No, really not, not at this point. You have to depend on Hunt's natural secrecy and secretiveness.

P. John, there is nothing in it for Hunt. Let me ask this, [unintelligible] go back over everything he's done prior to that time. E. Well . . .

P. There might be something? E. Well, he's up on, apparently, he has perjured himself a second time. Gee, he perjured himself at the trial, then he was granted immunity, came back into the grand jury, and perjured himself again. The U. S. Attorney is looking down his throat and could say to him look, I can forget some of these counts if you're a good boy now.

P. Yeah, but the point that I make is this—is really, of course, you know, its the limits of his testimony. E. mmhuh-mmhuh.

P. If he testifies just on Watergate

that's fine. He isn't going to get a damn thing more than anybody else. E. I don't see any incentive for him to go broader, and I haven't heard a whiff of that.

P. [Unintelligible] give him immunity for that? I suppose, or would they? E. I don't know. I don't think they can give him immunity at this point.

P. [Unintelligible] talked with Strachan? E. Yes, sir, just about ten minutes ago. And I've been doing all the talking so far. P. [Unintelligible] trying to talk [unintelligible] E. What Magruder had said about him and so forth. So. P. [Unintelligible] any [unintelligible] for removing him? E. Not yet. Not yet. P. He's a good man—good man. E. I think he, I think he'll do fine. You see . . .

FRIDAY, MAY 3, 1974

Released by the White House

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P. [Unintelligible] you expect anyone [unintelligible] I was cogitating last night, and we've got the people that can—I mean on the obstruction of justice thing, which I think is our main problem at this time—well of course it is the main problem because it involves the other people. E. Yeah.

P. Otherwise it's just Chapin. E. Yes, Chapin. P. and Mitchell. E. Yeap. P. Magruder. E. Yeah. P. Possibly Dean, but a . . . E. Mardian and LaRue. P. [Unintelligible] on the [unintelligible] of the case? E. LaRue. P. They got him on that too? E. Yeah. Yeah. P. You mean Magruder has? E. Yeah.

P. That's going to be hard. This fellow's lied twice to [unintelligible]? E. That's right. That's true. P. The people you've got with obstruction are Hunt and Goldblatt and Bittman, right? E. Oh, Rothblatt the lawyer. P. Rothblatt? E. Yeah, right. Well, I don't think Bittman is going to testify. I would be very surprised if he did. P. Why? E. Well.

P. Get him involved in obstruction of justice? E. Well I just don't think—I think, I'm just guessing here, my guess is that he's worked himself out a haven in all of this.

P. Wouldn't serve his interests to get involved in the obstruction of justice. He's basically almost a bag man, not a bag man, but a message carrier, isn't he? E. No. No. — was an instigator —. He was concerned about his fee. And a . . . P. Oh really John? E. Yeah. Yeah. So he was one of the active promoters of that as near as I can tell.

P. [Unintelligible] me what you and [unintelligible] say on the obstruction thing. What was involved? I mean, from our side, our guys.

E. Well you had defendants who were concerned about their families. That's understandable. You had lawyers who were concerned about their fees and that's less understandable.

P. Oh, yes. It's understandable. E. Well I mean in terms of the end result. You had a campaign organization that was concerned about the success of its campaign . . . P. Yes. E. And didn't want these fellows to say anything in public that would disrupt the campaign.

P. Is that legitimate to want people not to say it out in public which [unintelligible]? E. I think so. I think so. And then you had a . . . P. No, but I mean, say something in public that would disrupt the campaign or because it would embarrass people? E. Sure.

P. Cover up, you mean? It would impeach the campaign in effect. But at the same time a lot of those same people who had that legitimate motive—Hello [unintelligible] [Voice: Hello, sir. (door opens and closes)] they had the same people who had that legitimate motive had an illegitimate motive because they were involved in protecting their own culpability and here we're talking about LaRue, Magruder, Mitchell possibly.

P. [Unintelligible] they wanted the defendants to shut up in court? E. Certainly, certainly. P. So you would say, you

could say . . . E. You have. P. In other words you have Dean we'll say, now let's take Dean. E. All right.

P. As a case in point. This says something that Dean was not—we could get him out of it—he could weasel out. I say weasel out; he says he's not involved in the prying.

E. Well, see, Dean's problem is that he was in touch with these committee people who could to Dean express a benign motive and at the same time had a corrupt motive. If I were Dean, I would develop a defense that I was being manipulated by people who had a corrupt motive for ostensibly a benign motive. And in point of fact . . .

P. Some did have benign motives. E. That's right. You take a fellow like Shumway over there for instance . . . P. Yeah. E. Who has to think about the P.R. of the campaign.

P. Making statements. Well for example it's the—it's like in the very tangential, and it's only tangentially that it touches you and Bob. You know what I mean that somebody came to you. E. Yeah.

P. I mean you said go talk to Kalmbach. If you were talking about keeping [unintelligible] if you know the defendants were guilty, and if you didn't know who else was [unintelligible]. E. That's correct. P. And you just thought that they [unintelligible]. E. Well you know, the thing that ran through my mind . . . P. Yeah. E. Was Howard Hunt has written 40 books, and P. Yeah.

E. Howard Hunt was worried about the support of his family. And I could see Howard Hunt writing an inside expose of how he broke into the Democratic National Headquarters at the request of the Committee to Re-elect the President. P. Yeah.

E. Now, if I had a choice between getting contributions for the support of Howard Hunt's family. P. Yeah. And that's . . . E. And that was pretty easy. P. And I suppose they would say though that . . .

E. Oh, didn't care what Howard Hunt said to the Prosecutor. He can say anything he wanted to the prosecutor in a secret—in a secret session. That didn't hurt us. P. It was all secret then. E. The Grand Jury was secret. P. The Grand Jury was all operating at that time. E. Sure. P. It hadn't come to trial? E. Sure—it didn't come to trial until after the election. P. Yeah. [Unintelligible]. E. So.

P. I think [unintelligible] it was—nobody was trying to keep him from telling the truth to the Grand Jury—to shut him up to the Grand Jury?

E. I can say in truth and candor that Dean never explained to me that there was any kind of a deal to get these guys to lie or to change their stories or to refuse to testify to the trial of the action or anything of that kind. That was just never discussed. So I don't feel too uncomfortable with this.

P. Another [unintelligible] if Kleindienst resigns. E. If Kleindienst resigns,

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that says there is something wrong with the Justice Department.

P. So you would keep him. E. At this point. P. Even if he disqualifies himself? E. That's right—which wouldn't be anything too new. P. Sure. E. Now he may have some . . . P. Other information? E. Yeah, or technical reason or something of that kind.

P. [Unintelligible] may have some information aside from the Grand Jury that I don't know if [unintelligible].

E. I have a call in for him and the operators left it over here. The reason that I do is that he never did pin down for me what it is that he wants me to do. Now I've tended to him as I think I had to. P. Good.

E. And he said well I'll check it and be in touch with you tomorrow. So fine. I left word over there that I am here. That's the only, the only reason for my call. And you might ask him if there is anything we ought to do here in the light of developments, but I do feel that—thank you [coffee dishes clattering]—I do feel that there is nothing new in what I have beyond what Magruder has already told me, so I think it's largely academic.

P. [Unintelligible] E. Yeah. P. [Unintelligible] E. Titus would have told him last night what Magruder said, and so he will, this morning, have I think as much knowledge about this thing as we have. There may be one or two—one or two details that.

P. But Magruder said they are hot after Colson. E. Suspicion. P. Or Magruder's attorneys say that. Magruder had nothing on Colson. E. No. The one phone call is the only incident that he has to relate.

## 'Going After Colson'

P. His attorney says I think they're hot in going after Colson. E. Yeah. P. The reason there of course is Hunt. E. Right—the association. P. Yeah. E. And that's natural. You've got a guy in the case that . . .

P. Well Hunt [unintelligible] Colson. E. Yeah. Hunt has to know it.

P. What do you do about Colson, John? E. I don't think there's much to do at this point. He's P. Yeah. E. he's building his own defenses. I assume that he's doing whatever has to be done with Hunt—that only he could do.

P. So, but, but . . . E. Well you know he's, I'm sure, has had surreptitious contact with Hunt.

P. Yeah. He says [unintelligible] take care of your kids. E. And I think Chuck's natural proclivities will P. Do everything. E. do anything we can possible do.

P. See [unintelligible]. There isn't a hell of a lot more they can tell us that Magruder hasn't told [unintelligible] E. That's right.

P. In other words, there isn't a hell of a lot they can gain by . . . what was the, what could Liddy [unintelligible] to corroborate Magruder?

E. That's all he could do. At this point Magruder gives them everything they could have hoped to get from Liddy.

## Liddy's Sentence Discussed

P. [Unintelligible]—How do you get Liddy's sentence cut down? [Unintelligible] E. It may be too late for him.

P. I wonder if it is. Huh? Or is it? E. Yeah. He was only . . . P. Why didn't he talk [unintelligible]? E. I don't know. I really don't. I don't understand him at all and Magruder paints him as really weird—really weird.

P. [Unintelligible] guy. E. And all kinds of things. And there are all kinds of Liddy stories running around.

P. Well I [unintelligible] down. I want to see what Kleindienst told [unintelligible] and since he's asked I will. E. I'll be here and if you want me for anything why just holler.

P. Well look, I'll just listen to him. He has come in so often. I can say on I.T.T., of course, we didn't—my basic responsibility [unintelligible] McClaren settled this case or something like that, and a E. Yeah. P. [unintelligible] E. No, that wasn't to settle a case. P. No, not settle. E. That was not to file an action. You remember they were about to file a law suit and

## Says Flanigan Found Out

P. How did we know about it? E. Flanigan found out about it. P. You came and told me? E. I came and told you about it. P. Why [unintelligible] may have forgotten the details.

P. Why didn't we think they should file an action? E. Well P. I am sure it was a good reason. E. Yeah. We had a run P. [unintelligible] we had a run-away anti-trust division at that point.

P. Yeah, and I had been raising hell with McClaren. E. That's right. P. on all this, and I said now this is a violation of my policy—E. not on. P. [unintelligible] a violation of rules that I had laid down with McClaren. E. And I will testify to my dying day that our approach to antitrust cases has [unintelligible] virtually without variation, on policy rather than the merits of the individual case.

P. Wasn't that case [unintelligible]? E. There was one exception to that and that was that Granite City Steel case where we criticized their analysis—the Council of Economic Advisers did.

P. Yeah. E. And we went back on them on the specific case rather than just the general policy. That was on a factual issue.

## Advice From Kleindienst

P. What the hell was it, John, that [unintelligible] Kleindienst. Here's this guy, you know, who is really good hearted and worked hard and all that sort of thing and went down to the wire and so forth. His advice has been just wrong.

E. I think he felt, and I have not talked to him about this, but I think he felt that if he involved himself in this case at all in Mitchell's behalf, that eventually it would have tainted the whole proceeding and maybe redounded to Mitchell's disadvantage— P. Right. E. and— P. Oh I suppose that's [unintelligible]. E. and that Mitchell's best chance—

P. I'm not speaking in Mitchell's behalf but I am just thinking of—just so that we would be [unintelligible], or try to know how [unintelligible]. E. Well—yeah—that's true. P. [unintelligible] E. He.

P. All you were ever asked was the general question, what's going on.

E. Yeah. He—well, this is kind of interesting. I may have told you about this, but the U.S. Attorney now feels that Dean overreached them by providing information out of the grand jury to the Committee for the Re-election. I think that may be legitimate criticism if he in fact did that. On the other hand, for him to provide us with information inside, for the orderly operation of the government, is another matter. That's two quite different things. If you peddle information from a grand jury to the outside, or if you peddle it inside to people who are responsible. P. [Unintelligible]

E. Oh that was, let me think. P. [Unintelligible] Grand Jury at that point. E. He had information on who was going to be called as witnesses so that apparently Mardian was able to get around and coach witnesses. P. Did Mardian coach them?

E. In some cases Mardian, I guess, was very heavy-handed about it, and— P. Well, is there anything wrong with that? E. Yeah, well there's something wrong with— P. He was not their attorneys is the problem?

E. Well, no, the problem—the problem is he asked them to say things that weren't true. P. Oh. E. When I say coach I use the word loosely, and— P. [Unintelligible]

E. Well no, a fellow over there named Porter—Bart Porter for one. P. Where is he now, in jail? E. No, he's in business somewhere, and he will probably be indicted. P. They coached him to what, did he say? E. Say. P. Was he one of the buggers over there?

E. No. Oh no, he worked for the Committee, worked for the Committee, but they asked him about higher-ups and about whether there was any [unintelligible] and so on so forth. P. How was he in the deal? How would he know about it? E. He worked over there in Magruder's office, and he apparently passed money to Liddy from Sloan and was privy to quite a lot of the information.

P. I thought John [unintelligible] Liddy to take money for that [unintelligible].

E. Apparently he did. Well I don't mean after—I mean to pay for equipment and to. P. Oh [unintelligible] E. That's right.

## Sympathy for Porter

P. Why the hell didn't the grand jury indict him? E. Well because they didn't have the, they didn't have the evidence. There was a cover story which Mardian and others cooked up, and Porter, who corroborated the cover story, is now indictable for perjury. He is a little fish who got caught in the net.

P. Poor son of a bitch. It's wrong. It's wrong. E. The whole thing is just monumentally tragic. P. It is. Now don't let it get you down. E. Well that's right, that's right, and it'll pass. P. Dean is concerned, and concerns me. E. Yeah.

P. I don't think he could have been that active in the pre—the post yes—the pre things. Magruder, Magruder may be [unintelligible] a little [unintelligible] in some of that stuff. E. Well, I've got to get him in, and I hope to see him today.

P. He would not [unintelligible] Dean [unintelligible] According to Dean's story about those meetings which he told me is about [unintelligible] Magruder's. E. That's right. That's right.

P. He says, he says look we shouldn't be talking about such things. E. I know. P. Particularly in the office of Attorney General. Magruder says he approved the million dollars—that's about right. E. And that Mitchell was the one who disapproved it.

P. Well this would [unintelligible] Magruder / Dean [unintelligible]? E. Cause Dean shows up very prominently in the whole Magruder thing.

P. And Dean was in Florida you said on some occasion? Remember the Florida trip you told me about? E. No, No. The three people there—Mitchell was already down there—Magruder and LaRue went down.

P. For what purpose? E. Brought him the final Liddy proposal. P. The two fifty?

E. With the Watergate and the Fontaine Bleau and the McGovern headquarters spelled out.

P. How did Dean find out? Dean find out that there was a three—three things on a list? He knew that, and went up and told Mitchell about that. E. Yeah, and I. P. How did Dean know that? E. I don't know. I don't know how he knew that. I assume that at some point in time Magruder told him that. P. I see. Magruder talks pretty much doesn't he? E. Mmhuh. P. [Unintelligible]

E. Yeah. And in a lot of these things, of course, he had a lot of different versions of everything, but I think it's reasonable to assume that he passed that along to Dean. P. Sure.

E. Mitchell phoned me this morning to say that Daniel Schorr had been on the shuttle when he rode back to New York. P. CBS caught him? E. Yeah, and, well no, they saw him here. P. Yeah.

E. And then they sent somebody out to the airport. P. [Unintelligible]

E. And so, he said to Schorr he didn't know anything about the Watergate, and he didn't think anybody cared about the Watergate and he had just been down to the White House and he hadn't seen the President. That was all that he said. He is looking forward to testifying before the Ervin Committee, and so forth. So he called me this morning just to say that. P. [Unintelligible]

#### Concern Over the Press

E. He wanted us to know what he had actually said in case there was any press report to the contrary.

P. Well Ziegler should simply say, yes he was here to see you [unintelligible] it's true [unintelligible]. E. Don't have any comment on that. P. No comment—that's [unintelligible] What do you think? E. I think that's the only way to handle it. P. [Unintelligible] handle it [unintelligible]. I have no information on the subject. I have no information on the subject. E. Right. P. Ziegler [unintelligible]

E. I'm glad you complimented him last night. That's. P. [Unintelligible] stay right at the [unintelligible] E. [Unintelligible]

P. He is a good man. They know it. They know it. You've got to give them their stories. They respect him for it. E. I thought you were going to go with the Biblical conclusion that the guy who serves two masters, but a P. Yeah. E. he will hate the one and love the other, but a—[laughter]. P. Yeah. [unintelligible] E. Yeah, that's the one. P. [Unintelligible] turn around and [unintelligible].

E. We are at kind of an ebb tide right now in this whole thing, in terms of the media, as I see it. They are all a little afraid to get too far out on a limb on this 'cause they think something's going on with the committee negotiations, and there's no new news breaking, and so they are kind of. P. Waiting. E. waiting.

P. Yeah—they'll get a full tide when they get to the Grand Jury. E. Well sure, but now is a good time for us to fill that vacuum.

P. Oh, yes—a little news. E. Yeah.

P. Sure—let 'em know other things are going on. E. Yeah.

P. I read [unintelligible] front page the Haynes Johnson [unintelligible] story today about—story on [unintelligible]. E. I haven't had a chance to read that. I saw the headlines. P. It's not corroborated of course, but they said their survey of the country and all showed that the President's support that first the support regarding the war was not [unintelligible]—the economy is the problem [unintelligible] but the overriding issues that are [unintelligible] Watergate. [unintelligible], but John that is just not true. E. Yeah.

P. Of course Gallup come up tomorrow and show—he'll show that [unintelligible] another poll out there [unintelligible]. Look you can't go the [unintelligible] you can't go to the—you've been around here. E. That's right—that's right.

P. It's a pervasive issue [unintelligible]. Go in and out of the hotel they've—E. Yeah.

P. Yelling. Watergate, Watergate. Tell us about Watergate. Seriously, it's a hell of a Washington story. E. And Haynes Johnson, of course, is notorious for finding what's he's looking for.

P. Of course. E. You remember after the election and that great national survey.

P. Yeah. Yes, and also that he [unintelligible] practically killed him to do it; first, [unintelligible] in this same piece that these people were not [unintelligible]. E. Mmhuh.

P. Now—[unintelligible]. But then, but, it's, we have to—we go through these cycles too, John, I mean this is a little more—more—shall we say a bigger cycle than most because of the enormous—a combination of Watergate—it usually is a one issue thing.

E. Yeah.

P. Now it's a combination of the Watergate plus the—these guys say it's the Watergate—[unintelligible].

(Materials Not Related to Presidential Actions Deleted)

April 15, 1973  
(1:12-2:22 P.M.)

#### The President and Kleindienst EOB Office

P. Well. K. How you feeling? P. Fine—fine—a little tired—I've been working very hard as you can imagine with everything.

K. Last night after the White House Correspondents' Dinner, at midnight, Henry Peterson called me, quite agitated—after which he and Earl Silbert, who is the Chief Assistant U. S. Attorney who tried the Watergate matter and Harold Titus came over. Titus is the United States Attorney.

P. Like some coffee. Would you like coffee? K. No, thank you sir. P. Coca-cola? K. Nothing, thank you. I'd like a glass of water if I may. P. Glass of water—and some coffee—Chief.

K. The purpose of it was to give me the benefit of what had transpired on Thursday, Friday and Saturday with Magruder, and then what had been transpiring for a week with John Dean and his attorneys.

P. They didn't negotiate with Dean I understand. K. John has some attorneys—I don't recognize the names. P. Attorneys? K. Yes. P. Good, good he's got one.

K. The posture that Dean and his attorney, that they're exploring the legal situation with the understanding if they don't work out some kind of a strong arrangement then anything that is said or represented by either John or the attorney will not be used. P. Hmmm. K. Kind of an exploratory situation P. Yeah.

K. I wanted to see you and why I wanted to see you immediately, by myself is that. P. No problems then—in seeing me by myself. If you want, I mean. K. Yes, Sir.

P. I guess with Cabinet people and the rest they always can. I have other people in, Dick, as you know, so that nobody keeps the damned notes out of the Cabinet. My understanding is—

K. I talked to John Ehrlichman last night. Also P. Yeah—he told me that you wanted to come in, and I said "fine."

K. When I talked to him last week I didn't think there would be much necessity to be here today, Sunday. P. This is Sunday, certainly.

K. Magruder's conversations and John's conversations with attorneys, with every absolute certainty that Magruder's going to be put on before the grand jury. P. Are they going to call him back? K. Yeah. P. Oh, of course, because he's going to plead guilty. K. He's going to plead guilty and he's going to tell everything he knows P. Sure.

K. That kind of information is not going to remain confidential. P. As you know, the—we have no,—I have not and I would not try to get information from the grand jury, except from you. K. Right.

#### Dean Taken Off Job

P. And we have not. But the reason—the reason that I am aware about the Dean thing—I have taken Dean off the matter, of course. I had to. As far as what he was reporting here at the present time. I put Ehrlichman on. P. Ehrlichman's conducted his own investigation which I told him to give you. He says it's now not going to mean much because he says Magruder frankly corroborates everything that he thought [unintelligible] K. Yeah.

P. Except that Magruder may—you can't tell, in his view, that you can believe everything Magruder says because Magruder's apparently got a—K. Got a self-interest involved.

P. He's got his self-interest and you don't know whether he's going to drag this fellow or that fellow or whatever the hell is. You know that's the trouble when a guy starts lying and, you know—I mean—wondering whether Magruder is telling the whole truth on John Mitchell—you know, Mitchell—have you talked to Mitchell?

K. No and I'm not going to. I don't think that I can talk to him.

P. I think you should know, Mitchell insists—I didn't talk to him. You know, I have never asked him. Have you ever asked him? K. No sir. We have never discussed the matter.

P. I never have either. I asked Bill Rogers about that. I said, Bill, should I ask him? No, John Mitchell. And so I asked Ehrlichman. I said, now I want you to ask him. K. Yeah.

P. What I was going to say—the only information that we have is the Magruder information and the Dean information and that's enough. K. Yeah—that's what we have here. The difficulty as outlined by.

P. The special prosecutors? K. No. No. The difficulty with respect to some of the information as outlined. I stayed up until five o'clock this morning with these people going over and over it again. P. Right.

K. [unintelligible] basic things where Dean implies—[unintelligible]. The basic problem that—it's possible that Dean might testify to, what Magruder will testify to, and then you've got Strachan or somebody like that. He was on Haldeman's staff. There is a possible suggestion that Haldeman and Ehrlichman ah, as yet—it looks that way—whether there is legal proof of it so far as that—that they. P. Indicating what?

K. Well, knowledge in this respect, or knowledge or conduct either before or after the event. But that in any event, whether there's—

P. Both Haldeman and Ehrlichman? K. Yes. Whether it's sufficient to bring about an indictment as a result of the course the testimony implies. There will be statements made, circum-

stantial evidence depicted P. Right. K. That could raise a very serious question with respect to both of them. That is my primary reason for talking to you [unintelligible]. P. Sure-sure. K. I thought you ought to know.

P. Who told you this? Silbert? K. Yeah. P. So he says he gets his information from whom? Dean? K. Dean with respect to some statements that Ehrlichman is supposed to have made after the event. There's no suggestion that John Ehrlichman knew anything about it before. P. Yeah. K. As to Bob, this fellow Strachen [pronunciation]. is that his name?

P. Strachan. K. Strachan?

P. He worked for him. He's a guy who worked for Haldeman, down in the basement. K. Well, we haven't really gone all the way with him yet. He's kind of fishing around, you know, as to what he's going to say and what's he's not—he's being a little bit suggestive but there will be the probability that Strachan might provide testimony that would—

P. Implicate Haldeman? K. Would implicate Haldeman and it wouldn't be direct, precise testimony.

P. I have asked both Haldeman and Ehrlichman. K. I know you have.

P. And they have given me absolute—you know what I mean. You can only it's like—you would, you'd believe John Mitchell, I suppose, wouldn't you? I don't believe Haldeman or Ehrlichman could ever—you know—[unintelligible] hurt to be so close to people and yet I think of—

K. John Mitchell and I were a little off more by myself. [unintelligible] But the difficulty with respect to Bob and right now they do not think that they are going to have the kind of legal evidence that would lead to indictment. However, they all feel that as a result of the closed testimony—a matter which is going to come out. It will be circumstantial, an association, an involvement, and it's going to be—

P. Why don't you do something about it? K. Well, I think that that's part of the problem. The evidence with respect to those now who would have knowledge of this before June 17th, 'cause it's going to come out. You take some of the evidence with respect to Dean.

P. Dean was in the meetings. Dean claims that he said no. And Mitchell

does too. And that's what you've got to live with. K. But then they feel the serious aspect of the conduct thereafter came in the, according to this testimony, that, with respect to obstruction of justice.

#### Rehearsed and Rehearsed

P. Right

K. —and that is the admission that LaRue, Mardian, Dean say that he was rehearsed and rehearsed and coached and coached by LaRue, Mardian, Mitchell, Dean, all for his initial testimony before the Grand Jury. Well, Magruder could testify that he believed that—there's two things—the obstruction of justice and suborning a witness of perjury.

P. That could get them all on that. K. And if LaRue, Mardian, Dean, Mitchell said no we didn't do that but we were told what the story was—we did nothing.

P. They would question that. K. Anyway, that's certain to be known to the prosecutor. P. That's right.

K. With respect to the money that was available and used for attorneys supporting these defendants.

P. Mm, huh. The motive I think you passed that on to Ehrlichman—after I raised the question. A motive was involved there huh? K. About the money? P. Yeah. K. You know.

P. If the money was raised. K. If you plead guilty and he's guilty there's no crime committed. P. What's that? K. That's. —I don't know.

P. Explain that legal point please.

K. Well, I inquired into it personally.

#### Refers to All the Funds

P. Of course I was thinking of the Berrigans and all the funds that have been raised through the years, Scottsboro, etc. Nobody ever raised any question about it. If you raise money for the defense and it's for support—and Ellsberg—[expletive removed] in Ellsberg, the defense—

K. And likewise in this case. If I had committed a crime and you know about it and you say, "Kleindienst, you go in the Court and plead guilty to the commission of that crime and here is ten thousand dollars, you know, to tide you over and so forth."

P. That isn't a crime?

K. No. On the other hand, if you know that I committed a crime. P. Right. K. And you say, "you go in there and plead guilty, and here is twenty-five thousand dollars on the condition that thereafter you'll say nothing. You just make the plea, take the Fifth Amendment, the judge cites you for contempt, you've got to continue to testify you don't. You do not take it." Then you are now in a position of obstructing justice.

P. Excuse me. If you'd explain that again. If you tell 'em—if you tell 'em—if you raise the money for the purpose of telling them not to talk.

K. After he's pleaded guilty. Let's take the—

P. Well, they were all before the Grand Jury at this point, Right?

K. And the judge says, "I'm going to give you immunity—I have ordered you to testify to what you know." He refuses, takes the Fifth Amendment and he's punished for contempt. And you give him twenty-five thousand dollars. [unintelligible]

P. There was some thought that—that was all after the election that that happened, huh?

#### After Liddy's Conviction

K. I don't know but that happened after the conviction—after Liddy's conviction.

P. Oh, in other words, the obstruction they are talking about is what happened after the conviction? K. Yes sir. P. Rather than before the conviction? K. Yes sir.

P. Well, who the hell would—you mean—but I can't see Haldeman or Ehrlichman or anybody in that [unintelligible]

K. Well. P. No—I'm just asking. Or Dean, ah, you mean that after that that they raised—they gave money for that purpose? K. For whatever they gave—let's say that money was given to Liddy in connection with—and.

P. Let me say this—there isn't any question that money that they have had on that or whatever—Mitchell's defense frankly—it would be—you know—these people had worked for the committee and they were provided with money for their legal fees and for their support. That is—this is before their conviction. Now comes the point of after their conviction. That's when the case may be, that's when you get the jeopardy. K. Or if people are up for trial, Mr. President, you say.

P. NO-No-no-I'm sorry—not conviction—but after their indictment. K. Yes. After the indictment "Here's fifty thousand dollars. You plead guilty and thereafter take the Fifth Amendment. If they offer you immunity, you know, not testify about anything." If that's—

P. And then you give 'em money? K. Yes. P. That's—I agree. K. Yes—obstruction of justice.

P. Yeah. If the purpose of it is to get them not to talk. In other words, not to carry out what the judge said. I can see that. Sure.

K. What the situation really is, and that's why I wanted to communicate with you immediately, today, to keep this general story off the streets.

P. Oh, hell—don't they know about it? K. Tomorrow morning it's likely to be all over town. Tuesday noon.

P. Involving Haldeman and Ehrlichman too?

K. Yeah—just generally. This Sirica, Judge Sirica, is not enforcing the strict requirements of law with respect to secrecy in grand jury proceedings.

#### Report on Indictments

P. Certainly the one with regard to Mitchell—do they, let me ask you this—do they tell you flatly Mitchell will be indicted? K. Yes. They do—so will Dean.

P. Will be indicted? K. Yeah. P. Even without his testimony—they're talking about it? K. Magruder's testimony will be enough to indict him. P. Strachan—will he be indicted? K. They don't know yet. Incidentally, Dwight Chapin testified with respect to the so-called Segretti affair. P. Yeah. K. And said that Haldeman knew about it.

P. That's true. But that's not something they're in—because of Segretti—even though Segretti pleaded the Fifth. It's just bull—the Segretti thing—it's not this—it's just.

K. That has nowhere near the potential of this situation. The only thing it does with respect to Bob, it casts a little bit of a taint. P. I know. K. That reflects upon the rest of it.

P. Now what is your, what is your recommendation, then?

K. Well, first I have this situation. It seems to me that so long as I do anything at the Department of Justice I cannot hereafter be with Haldeman, Ehrlichman, Mitchell, LaRue. They won't believe that we didn't talk about the Watergate case.

P. Who can you have contacts with? Me? I shouldn't be.

K. I think it is—I don't know whether I need contact anyone. Incidentally, there's a—there's a weak possible case on Colson.

P. What is that? K. He knew about and was involved in a conversation pertaining to money for Liddy's projects. Called on Colson to make over there—to somebody else.

P. Yeah, I heard about that. K. You know. "Where the devil are Liddy's projects?" So—

P. Colson denies this doesn't he? K. Yes. He also did the unusual thing of hiring himself a lie detector test. P. Oh [expletive removed]

K. Isn't that a terrifying thing I've ever heard? P. Of course, I'm a great supporter of Colson's. He's been a brick as have all these people. But [expletive removed] that was a stupid thing. K. Just stupid. Crazy. Secondly—

P. They consider there's a weak case on him at this point. K. Yes—and a very, very peripheral, weak case—probably not an indictable case with respect to Ehrlichman and Haldeman. P. Yeah. K. Just learned that.

P. O.K. Your point is that it'll break—that their names have been mentioned. K. You know—it'll come out in trial and testimony. P. What's your recommendation on it? K. Well.

P. Let me tell you what concerns me, if I may. I want to talk to the special prosecution a little bit. You know, it's embarrassing and all the rest, but it'll pass. We've got to—we've got to just ride it through Dick. K. Yes. P. Do the best we can. Right? K. Yes sir.

P. We don't run to the hills on this and so forth. The main thing is to handle it right. K. Those are my inclinations Mr. President. P. Well you know—we've got to handle it right. K. That's right. P. And naturally because of your association with John Mitchell you would have to disqualify yourself. K. Mardian, La Rue.

P. Oh—you know them all. Right - right - right. Now the difficulty with

Continued on Following Page

## Some of Persons Mentioned in Transcripts of White House Tapes

Following is a list of some persons mentioned in the transcripts of the White House tapes:

- Bailey, F. Lee—Boston lawyer.
- Baldwin, Alfred C. 3d—Member of the Watergate burglary team.
- Bitman, William O.—Lawyer for E. Howard Hunt Jr.
- Chapin, Dwight L.—Former White House appointments secretary.
- Chotiner, Murray—Political adviser to President Nixon throughout his career . . . died in January, 1974.
- Dash, Samuel—Chief counsel to the President.
- Fielding, Fred—Former deputy counsel to the President.
- Flanigan, Peter M.—Assistant to the President for international affairs.
- Garment, Leonard—Counsel to the President.
- Glanzer, Seymour—Assistant United States Attorney for the District of Columbia.
- Gray, L. Patrick 3d—Former director of F.B.I.
- Haig, Gen. Alexander M., Jr.—Successor to H. R. Haldeman as White House chief of staff.
- Howard, W. Richard—Special assistant to the President.
- Hunt, Dorothy—The late wife of E. Howard Hunt Jr.
- Hunt, E. Howard, Jr.—Convicted Watergate conspirator.
- Johnson, Haynes—Reporter for The Washington Post.
- Keogh, James—Director of U.S.I.A.
- Kinnelly, Tom—Lawyer for G. Gordon Liddy.
- LaRue, Frederick C.—Chief deputy to John Mitchell at the Committee for the Re-election of the President.
- Liddy, G. Gordon—Convicted Watergate conspirator.
- Magruder, Jeb Stuart—Former chief of staff of the Committee for the Re-election of the President.
- Mardian, Robert C.—Former deputy manager, Committee for the Re-election of the President.
- Maroulis, Peter—Lawyer for G. Gordon Liddy.
- McCord, James W.—Convicted Watergate conspirator.
- Moore, Richard A.—Special counsel to the President.
- O'Brien, Paul—Attorney for the Committee for the Re-election of the President.
- Ostrow, Ronald J.—Los Angeles Times reporter.
- Porter, Herbert L.—Former official of the Committee for the Re-election of the President.
- Rogers, William P.—Former Secretary of State.
- Rose, H. Chapman—Lawyer and Presidential consultant.
- Bothblatt, Henry B.—Lawyer for four of the original Watergate break-in defendants.
- Schorr, Daniel—Reporter for the Columbia Broadcasting System.
- Segretti, Donald H.—California lawyer who directed a campaign of political espionage and sabotage in 1972.
- Shaffer, Charles N.—Lawyer for John W. Dean 3d.
- Silbert, Earl J.—Original chief prosecutor in Watergate case.
- Sirica, John J.—Former chief judge of the United States District Court for the District of Columbia.
- Sneed, Joseph T.—Former Deputy Attorney General.
- Strachan, Gordon—Former assistant to H. R. Haldeman.
- Titus, Harold H., Jr.—Former United States Attorney for the District of Columbia.
- Wicover, Jules—Washington Post reporter.
- Wright, Charles Alan—University of Texas law professor and former special counsel to the President.